

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6809

BILL NUMBER: HB 1220

NOTE PREPARED: Dec 28, 2009

BILL AMENDED:

SUBJECT: Penalty for Consumption of Alcohol by a Minor.

FIRST AUTHOR: Rep. Bell

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that a person who knowingly or intentionally permits a minor to possess or consume an alcoholic beverage on real property that the person owns or controls commits a Class B misdemeanor, and increases the penalty to a Class A misdemeanor if the person has a prior unrelated conviction, and a Class D felony if the consumption of the alcoholic beverage is the proximate cause of the serious bodily injury or death of any person.

The bill also provides that a postsecondary educational institution is exempt from liability under this provision unless the educational institution provides an alcoholic beverage to the minor.

Effective Date: July 1, 2010.

Explanation of State Expenditures: There are no data available to indicate how many offenders may be convicted of permitting a minor to possess alcohol, nor are there data to indicate the circumstances of the offense which may be subject to enhanced penalties. The following table shows the crime class of the underlying crime and the cause of potential enhancements.

| Crime Class | Description/Circumstance |
|---------------------|-----------------------------------------------------------------|
| Class B Misdemeanor | Permitting a minor to possess alcohol (underlying offense) |
| Class A Misdemeanor | One prior unrelated conviction |
| Class D Felony | Proximate cause of serious bodily injury or death of any person |

Depending upon mitigating and aggravating circumstances, a Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor. The average expenditure to house an adult offender was \$20,194 in FY 2009. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$4,818 annually, or \$13.20 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$75,050 in FY 2009. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class B misdemeanor is \$1,000, for a Class A misdemeanor is \$5,000, and for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: A Class B misdemeanor is punishable by up to 180 days in jail, a Class A misdemeanor is punishable by up to one year in jail, and defendants in felony offenses may be detained in county jails prior to their court hearings. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected: DOC.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, DOC.

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